



CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed April 25, 2023

  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

In Re:

WATTSTOCK, LLC

Debtor.

WATTSTOCK, LLC

Plaintiff/Counter-Defendant,

vs.

ALTA POWER LLC

Defendant/Counter-Plaintiff/  
Third-Party Plaintiff

vs.

GENERAL ELECTRIC  
INTERNATIONAL INC., d/b/a  
GE POWER SERVICES,

Third-Party Defendant.

Case No. 21-31488 (SGJ)  
(Chapter 11, Subchapter V)

Adversary No. 21-03083 (SGJ)

Removed from the District Court of  
Dallas County, Texas, 116<sup>th</sup>  
Judicial District  
Case No. DC-20-08331

**ORDER GRANTING MOTION TO RECONSIDER OF GENERAL ELECTRIC  
INTERNATIONAL INC., D/B/A GE POWER SERVICES [DE # 151] AND  
VACATING ORDER GRANTING MOTION TO REMAND ACTION  
BACK TO STATE COURT  
[DE # 106]**

Before this court is the Motion for Reconsideration (with Supporting Brief) [DE ## 151 & 152] pertaining to this court’s Order Granting Motion for Remand [DE # 140] back to state court. The court agrees with the position of General Electric International Inc., d/b/a GE Power Services (“GE”) that the Fifth Circuit’s opinion in *Davidson v. Georgia-Pac., LLC*, 819 F.3d 758 (5th Cir. 2016)—although dealing with magistrate judges—casts doubt upon the ability of an Article I bankruptcy judge to render a final order of remand in an action in which: (a) only non-core “related to” claims are involved, and (b) not every party has consented to the bankruptcy court entering final orders. *See id.* at 763-764 (“a remand order is dispositive insofar as proceedings in the federal court are concerned and thus is the functional equivalent of an order of dismissal”). In a nutshell, GE believes that the constitutional rationale given by the Fifth Circuit in the *Davidson* case, for not permitting magistrate judges to issue final orders of remand, applies with equal force in the bankruptcy context. GE’s argument is sound. Accordingly, this court hereby:

GRANTS GE’s Motion for Reconsideration;

VACATES the bankruptcy court’s Order Granting Motion to Remand Action to State Court; and

WILL RECAST its Order Granting Motion to Remand Action to State Court as a Report and Recommendation to the District Court.

\*\*\*END OF ORDER\*\*\*